

WARRICK COUNTY BOARD OF COMMISSIONERS MEETING  
REGULAR SESSION  
COMMISSIONERS MEETING ROOM  
107 W. Locust Street, Suite 303  
Boonville, Indiana  
October 13, 2014  
4:00 P.M.

The Warrick County Commissioners met in regular session with Don Williams, President, Richard Reid, Vice President and Marlin Weisheit, Member.

President Don Williams called the meeting to order.

Auditor Secretary, Angie Leslie, recorded the minutes.

**PLEDGE OF ALLEGIANCE**

**AREA PLAN COMMISSION**

**REQUEST FOR RELEASE OF SURETY**

**COMMERCIAL DRIVEWAY C-14-035** ~ Trinity Technologies LLC, Peter Buchanan, Pres. ~ 2854 Fuquay Road  
~ Cashier's Check \$12,361.53. One year expiration 8/12/2015.

Don Williams: Alright, we have a fairly lengthy agenda today so we'll try to keep it moving. So to start with we have some Area Planning Business, Sherri, I'm going to ask you to go ahead and get started with that.

Sherri Rector: Okay, the first item is Request for Release of Surety, its Commercial Driveway C-14-035, Trinity Technologies, LLC, Peter Buchannan as President, it's 2854 Fuquay Road. We're holding a cashier's check for twelve thousand three hundred sixty one dollars and fifty three cent (\$12,361.53) and Engineer Howard has reviewed the completion.

Don Williams: Bobby, do you...?

Bobby Howard: The driveway was constructed per the approved plan and would recommend release of the surety.

Don Williams: Okay, any questions from the Board?

Rick Reid: No.

Marlin Weisheit: None.

Don Williams: Hearing no questions I'll entertain a motion.

Rick Reid: I'll make a motion to approve.

Marlin Weisheit: Second.

Don Williams: Motion and a second. All in favor please say aye.

Marlin Weisheit: Aye.

Rick Reid: Aye.

Don Williams: Aye. Motion carries three (3), zero (0).

**REQUEST FOR ACCEPTANCE OF STREETS FOR MAINTENANCE**

**Paradise Gardens Subdivision** by Jagoe Homes, Inc., Scot Jagoe, Pres. ~Paradise Circle 2,119 lineal feet;  
Paradise Court 630 lineal feet; Pavilion Drive 704 lineal feet. LOC expires May 15, 2015.

Sherri Rector: The second item is Request for Acceptance of Streets for Maintenance, Paradise Gardens Subdivision by Jagoe Homes, Inc., Scot Jagoe, President. Paradise Circle, two thousand one hundred nineteen (2,119) lineal feet, Paradise Court six hundred thirty (630) lineal feet, Pavilion Drive seven hundred four (704) lineal feet. We are holding a letter of credit that doesn't expire until May 15, 2015. And I believe Mr. Howard has some mark-ups and he has some comments.

Bobby Howard: Yes, during inspection there were a few items that I've talked to Manual Ball with Jagoe Homes, who I believe is here today, that do need to be completed, they are minor items and I would recommend to the Board that they go ahead and approve this request subject to them completing the punch list.

Don Williams: Needing approval?

Bobby Howard: Yes.

Don Williams: We can do that. Is it alright with the Board?

Marlin Weisheit: Yes, Sir.

Rick Reid: Sure.

Marlin Weisheit: In fact I would make that a motion to go ahead and approve the Release as long as it meets Bobby's punch list.

Bobby Howard: Would you recommend thirty (30) days is plenty?

Manual Ball: Yeah, I hope we can have it done later this week.

Marlin Weisheit: Thirty (30) days works in the motion?

Bobby Howard: Depending on weather.

Rick Reid: Second.

Don Williams: Now, this is a request for Acceptance of Streets, you said 'Release' so...

Marlin Weisheit: Oh, okay.

Don Williams: Let me restate the motion, make sure I have it correctly, the motion is for Street Acceptance, Paradise Gardens Subdivision by Jagoe Homes with the stipulation that the punch list is completed and our County Engineer signs off on it. Is that motion stated correctly?

Marlin Weisheit: Correct, yes.

Rick Reid: Second.

Don Williams: I have a motion by Commissioner Weisheit and a second by Commissioner Reid. All in favor say aye.

Marlin Weisheit: Aye.

Rick Reid: Aye.

Don Williams: Aye. Motion carries three (3), zero (0).

## **REZONING PETITIONS**

**PC-R-14-12 – Petition of Van Development, LLC by Chad Van Zilen, Mgr. OWNERS: Martha L. Grimm Revocable Trust by Mark Grimm and Michael Grimm, Trustees.** To rezone 9.58 acres located on the N side of Lincoln Ave. approximately 475' E of the intersection formed by Lincoln Ave. & Wynbrooke Dr. and 175' W of the intersection formed by Lincoln Ave. & Estate Dr., Ohio Twp. from "A" Agriculture to "R-1" One Family Dwelling. Complete legal on file. (Advertised in The Standard August 21, 2014). Recommendation of approval by Plan Commission on September 8, 2014. (Ordinance 2014-\_\_\_)

Sherri Rector: The next item is Rezoning Petitions. The first one is PC-R-14-12, Petition of Van Development, LLC by Chad Van Zilen, Manager, Owners: Martha L. Grimm Revocable Trust by Mark Grimm and Michael Grimm, Trustees to rezone nine point five eight (9.58) acres located on the north side of Lincoln Avenue approximately four hundred seventy five (475) feet east of the intersection formed by Lincoln Ave and Wynbrooke Drive and one hundred seventy five (175) feet west of the intersection formed by Lincoln Avenue and Estate Drive in Ohio Township from "A" Agriculture to "R-1" One Family Dwelling. Complete legal on file. Advertised in the Standard on August the 21<sup>st</sup>. It was a recommendation of approval by the Plan Commission on September 8, 2014. And it will be county commissioner ordinance number 2014-25.

Don Williams: Sir, you have the floor.

Glenn Meritt: Glenn Meritt with Cash Wagner and Associates. This development went before your Drainage Board earlier this afternoon. I received Drainage Board approval, like Sherri said, it went through APC last month, received a positive recommendation for the rezoning. I'd be happy to answer any questions you may have, I mean, we're just rezoning residential, it fits the area, its residential pretty much all around us on Lincoln Avenue, but I will answer any questions you have.

Don Williams: Okay, are there any questions from the Board?

Rick Reid: No.

Don Williams: Do you have any, Commissioner Weisheit?

Marlin Weisheit: No.

Don Williams: Is there anyone here to remonstrate either for or against the proposed rezoning?

Roger Emmons: Yes.

Don Williams: I'm sorry, if you would, Sir, come on up and express your concerns. Please give us your name and your address.

Mark Grimm: I'm Mark Grimm, I live at 414 Section Street. My brother and I own that property, it's been in the family for probably over one hundred (100) years so the decision to sell it was not quick and was not easy. We've worked with the Van Zilen's on every detail of the plan, the contract, we checked every easement out to the letter, I contacted the land owner east of us to assure that the drainage easement would not affect him. It fits the area, it's residential beside it, its farmland with a real nice ditch buffer east of it. North of it is...I think that's a business at this point towards the highway and it's got Lincoln Avenue as the southern border so like I said, we've checked everything about it, we think it's a good fit for the area. Our main priority is to not affect the neighborhood in a negative manner before we decided to even proceed to sell it so I'd appreciate your recommendation on approval.

Don Williams: Okay, thank you, Sir.

Marlin Weisheit: Thank you, Mark.

Rick Reid: Thank you.

Don Williams: Is there anyone else who would like to speak for or against this zoning? Hearing none I'll entertain a motion.

Rick Reid: I'll make a motion to approve the rezoning of the property Ordinance number 2014-25.

Marlin Weisheit: Second.

Don Williams: I have a motion and a second to approve Ordinance 2014-25. All in favor say aye.

Rick Reid: Aye.

Marlin Weisheit: Aye.

Don Williams: Aye. Three (3), zero (0). Approved.

**PC-R-14-13\_ - Petition of Amerlight, LLC, by Jim Vincent, Mgr. OWNER: Alvrone Sater Trust by Alvrone Sater successor trustee** to rezone 33.28 acres located on the W side of Libbert Road approximately 0' NW of the intersection formed by Libbert Rd. & SR 66, Ohio Twp. from "A" Agriculture to "C-4" General Commercial zoning district. Complete legal on file. (Advertised in The Standard August 21, 2014) Recommendation of approval by Plan Commission on September 8, 2014. (Ordinance 2014-\_\_\_\_)

Sherri Rector: Okay, the next petition is PC-R-14-13, Petition of Amerlight, LLC, by Jim Vincent, Manager. Owner Alvrone Sater Trust by Alvrone Sater successor trustee to rezone thirty three point twenty eight (33.28) acres located on the west side of Libbert Road approximately zero (0) feet north west of the intersection formed by Libbert Road and State Road 66 in Ohio Township from "A" Agriculture to "C-4" General Commercial zoning district. It was also advertised in the Standard on August 21<sup>st</sup>. It was a recommendation of approval by the Plan Commission on September 8, 2014 and you have a certified report of that zoning hearing.

Rick Reid: What's your Ordinance number?

Sherri Rector: 2014-26.

Rick Reid: I thought so but...

Don Williams: If you would state your names please and your address or who you represent.

Jim Vincent: Jim Vincent with Amerlight, 9200 Petersburg Road, Evansville, 47725.

Joe Watson: Joe Watson with American Engineers out of Glasgow, KY.

Don Williams: Do you have anything you'd like to say, Gentlemen?

Joe Watson: We feel that the rezoning is similar to the property adjacent to it and we haven't gone through the drainage items yet but we will once we get the rezoning done and get all of the plat and everything done after we get it rezoned.

Don Williams: Okay, any questions from the Board?

Marlin Weisheit: No.

Rick Reid: No.

Don Williams: Is there anyone here in the public that would like to speak for or against this rezoning petition? Hearing none I'll entertain a motion.

Rick Reid: I'll make a motion to approve the rezoning of the property from "A" Agriculture to "C-4", Ordinance 2014-26.

Marlin Weisheit: Second.

Don Williams: I have a motion and a second to approve Ordinance 2014-26. All in favor say aye.

Marlin Weisheit: Aye.

Rick Reid: Aye.

Don Williams: Aye. Motion carries three (3), zero (0).

Joe Watson: Thank you.

Don Williams: Thank you.

Marlin Weisheit: Thank you.

Rick Reid: Good luck on that.

Jim Vincent: I just want to say that we appreciate your support. We have a lot of elevation work to do there but we appreciate your support.

Marlin Weisheit: Looking forward to see it proceed.

## **STREET CONSTRUCTION PLANS**

**PP-14-12- Shadowland Subdivision by Shadowland Development, Eugene A. Pankake, Pres. OWNERS: Shadowland Development, Inc. Eugene A. Pankake, Pres. and Eugene A. Pankake** 15.220 acres located on the W side of Fuquay Rd. approximately 750' N of the intersection formed by Fuquay Rd. & Timberview Dr. being Parcel 3 in Cates Minor Subdivision and pt. Ohio 14-6-9, Complete legal on file.

Don Williams: Okay, we have some Street Construction Plans.

Sherri Rector: Yes. The first one is PP-14-12, Shadowland Subdivision by Shadowland Development, Eugene A. Pankake, President. Owner Shadowland Development, Inc. Eugene A. Pankake, President and Eugene Pankake. Fifteen point two two zero (15.220) acres located on the west side of Fuquay Road approximately seven hundred fifty feet (750) north of the intersection of Fuquay and Timberview Drive being Parcel 3 in Cates Minor Subdivision and part of Ohio 14-6-9. There was a new Certificate of Compliance, Bobby had them renew the dollar amounts, other than what's in your packet, I have the new dollar amounts that Bobby has signed off on and I don't know if you had any other comments, Bobby?

Bobby Howard: The only other comment is in regard to this being approved, the recommendation for this would be approved subject to the drainage board conditions. I believe there's some drainage easements that need to be shown and that's really all that I had, everything else is in compliance with the Subdivision Control Ordinance.

Don Williams: What was the sum?

Sherri Rector: It's...the total is ninety four thousand nine hundred ninety two dollars (\$94,992.00).

Don Williams: Okay. Do you have anything you'd like to say, Mr. Bivens?

Bill Bivens: No.

Don Williams: So, approval with getting all of the drainage things...

Bill Bivens: Yes.

Don Williams: Okay, with that being said I'll entertain a motion for these Street Construction Plans for PP-14-12 for Shadowland Subdivision.

Rick Reid: So moved.

Marlin Weisheit: Second.

Don Williams: Motion and a second. PP-14-12 Shadowland Subdivision is approved.

Bill Bivens: Thank you, Sir.

Don Williams: You're welcome.

Marlin Weisheit: Thanks, Bill.

Roger Emmons: Did you vote on that?

Rick Reid: Did you take a vote on that?

Don Williams: Did I take a vote on that?

Marlin Weisheit: No.

Roger Emmons: No.

Don Williams: You may not be approved, I'm sorry. I have a motion and a second on the floor with the stormwater conditions attached to that. All in favor say aye.

Rick Reid: Aye.

Marlin Weisheit: Aye.

Don Williams: Now you have approval.

Rick Reid: Now it's official.

Don Williams: Motion carries, sorry about that.

**PP-14-13 – Pine Valley Subdivision by Van Development, LLC, by Chad Van Zilen, Mgr. OWNER: Martha L. Grimm, Trust, by Mark A. Grimm and Michael H. Grimm Co-Trustees** 9.582 acres located on the N side of Lincoln Ave approximately 475' E of the intersection formed by Lincoln Ave & Wynbrooke Dr. and 175' W of the intersection formed by Lincoln Ave. & Estate Dr., Ohio. Twp. Complete legal on file.

Sherri Rector: The next Primary Plat is 14-13 Pine Valley Subdivision by Van Development, LLC, Chad Van Zilen, Manager. Owner Martha Grimm Trust, Mark Grimm and Michael Grimm, Co-Trustees. Nine point five eight two (9.582) acres located on the north side of Lincoln approximately four hundred seventy five (475) feet east of the intersection formed by Lincoln and Wynbrooke Drive and one hundred seventy five (175) feet west of the intersection of Lincoln Avenue and Estate Drive, Ohio Township. This is the one that you just seen also in the Drainage Board meeting. Bobby has signed off on Certificate of Compliance subject to the Vectren Subordination Agreement with Vectren at the entrance for the entrance crossing over. Bobby, I'm going to try to read your writing, and Wynbrook property...

Bobby Howard: Owners.

Sherri Rector: Owners granting...

Bobby Howard: Approval.

Sherri Rector: Approval to...go ahead and say the rest.

Bobby Howard: To relocate that pipe that was discussed in the Drainage Board, so it's again subject to the drainage board conditions.

Don Williams: You have a problem with that?

Scott Beadle: No, I do not.

Don Williams: Any questions from the Board?

Marlin Weisheit: No.

Don Williams: I'll entertain a motion on PP-14-13.

Rick Reid: So moved.

Marlin Weisheit: Second.

Don Williams: I have a motion and a second to approve the petition. All in favor let it be known saying aye.

Rick Reid: Aye.

Marlin Weisheit: Aye.

Don Williams: Motion carries.

#### **AMENDING ORDINANCE TO THE COMPREHENSIVE ZONING ORDINANCE**

AN ORDINANCE TO AMEND ARTICLE V SPECIAL USES SECTION 3 SPECIAL USE DESIGNATIONS SU-27 CHILD CARE CENTER OF THE COMPREHENSIVE ZONING ORDINANCE IN EFFECT FOR WARRICK COUNTY, INDIANA

The purpose of this ordinance is to change child care center to child care home per Indiana Code. (Advertised in The Standard August 21, 2014) Recommendation of approval by Plan Commission on September 8, 2014. (Ordinance 2014-\_\_\_)

Sherri Rector: Okay, the last item I have is Amending Ordinance to the Comprehensive Zoning Ordinance. An ordinance to amend article V special uses section 3 special use designations SU-27 child care center of the comprehensive zoning ordinance in effect for Warrick County, Indiana. The purpose of this ordinance is to change child care center to child care home per Indiana Code. It was advertised August 21<sup>st</sup>, it was a recommendation of the Plan Commission on September 8, 2014. It should have stated from the beginning 'home' instead of 'center'.

Don Williams: This is just to bring our ordinance into legal conformity?

Sherri Rector: Yes, Sir.

Rick Reid: Is this 2014-27?

Roger Emmons: Yes. 2014-27.

Don Williams: Okay, I entertain a motion on Ordinance 2014-27.

Rick Reid: Motion to approve Ordinance 2014-27.

Marlin Weisheit: Second.

Don Williams: Motion and a second. All in favor say aye.

Marlin Weisheit: Aye.

Rick Reid: Aye.

Don Williams: Aye. Motion carries three (3), zero (0).

Sherri Rector: Thank you, that's all I have.

## **ITEMS FOR DISCUSSION**

### **DEPARTMENTAL REPORTS**

#### **COUNTY ADMINISTRATOR**

##### **Amend Employee Handbook to Include County Highway Department Work Schedule**

Don Williams: We have several Items for Discussion, I think there's even a couple that aren't on the agenda so, Roger, why don't you go ahead and...

Roger Emmons: No Items for Discussion but we have several under my...

Don Williams: Okay, let's take care of your business.

Roger Emmons: First is the Amendment of the Employee Handbook to comply with State Board of Accounts Field Examiner currently doing an audit of the county records. Prior to the meeting Todd and Bobby and I discussed this and it may be wise to table this until your October 27<sup>th</sup> meeting.

Don Williams: Move to table.

Todd Glass: Yes, Mr. President, that would give us time to look at it a little bit more thoughtfully and if there were any additional changes that are needed to the handbook we could just take care of them all at once.

Don Williams: I withdraw that motion. One (1) of the issues here that we need to look at, this particularly is related to the Highway Department, it specifically talks about four (4) ten (10) hour days in that period. If we adopt this as written that would leave the eight (8) hour shift completely out and I want it to be as it is but with the option like if we want to go back to eight (8) hour shifts during the winter months I want to be able to do that. So there's not a big change but we need to give our Highway Superintendent...

Roger Emmons: He has that option in the handbook now.

Don Williams: Well, I want to make sure it's in this part of it too, stated the same way.

Roger Emmons: Okay, well it states that supervisors have the option to set...

Don Williams: It does say that but then you have this section that does not say that.

Roger Emmons: Okay, well, there's a lot of other items we discussed prior to...

Don Williams: I know, I just want to make sure we got...

Roger Emmons: That we hadn't discussed this.

Don Williams: I just want to make sure we have the flexibility to do that.

Roger Emmons: Sure.

Don Williams: Okay, I entertain a motion to table that...

Rick Reid: Motion to table.

Marlin Weisheit: Second.

Don Williams: Motion and a second. All in favor say aye.

Marlin Weisheit: Aye.

Rick Reid: Aye.

Don Williams: Motion carries.

##### **Request for FMLA Leave**

Roger Emmons: Next item is a request for FMLA Leave. I have all of the required paperwork and the signatures. I would recommend your approval.

Don Williams: Any discussion? If not a motion, please.

Marlin Weisheit: I'll make a motion to approve the FMLA Leave.

Rick Reid: Second.

Don Williams: Okay, I have a motion by Commissioner Weisheit, a second by Commissioner Reid. All in favor say aye.

Marlin Weisheit: Aye.

Rick Reid: Aye.

Don Williams: Aye. Motion carries. Three (3), zero (0).

Roger Emmons: Thank you.

**United Minerals Company, LLC ~ Request for Release of Bond in Conjunction with Weyerbacher Road Agreement for Road Usage**

Roger Emmons: The next item is the United Minerals Company, LLC., they had a Road Usage Agreement for Weyerbacher Road where they hauled some heavy equipment from the Warrick/Gibson County Line south two (2) miles and if Bobby is okay with how they left the road I would recommend you release their road permit bond which is in the amount of one hundred forty thousand dollars (\$140,000.00). So, I'll have to defer to Bobby's comments.

Bobby Howard: The roadway is acceptable; there was no real damage attributed to this haul.

Don Williams: What's the difference between no damage and no real damage?

Bobby Howard: There was no damage attributed to this haul.

Marlin Weisheit: We've got a lot of damage on Weyerbacher Road...

Bobby Howard: Yeah, but not in this vicinity.

Marlin Weisheit: Okay.

Don Williams: Okay. What's the will of the Board?

Marlin Weisheit: I'll make a motion to release.

Rick Reid: Second.

Don Williams: Motion and a second. All in favor say aye.

Marlin Weisheit: Aye.

Rick Reid: Aye.

Don Williams: Aye. Motion carries.

Roger Emmons: Thank you.

**Discuss Items for Compliance with Title VI, a Part of the Civil Rights Act of 1964**

Roger Emmons: The next item is discuss items for compliance with Title VI, a part of the Civil Rights Act of 1964. This came up because we have to do an annual certification that we're doing things pursuant to the federal laws and I went...I started researching the old commissioners minutes and in a couple of years I couldn't find where the Board did anything so I contacted the person who had contacted the justice department to find out back then how long county governments, or municipalities in general, had to take the first steps in complying with Title VI which was where you would follow the Standard DOT Title VI Assurance, your Nondiscrimination Statement of Policy, approve the Responsibilities of the Title VI Coordinator, Survey Form and etc. She hasn't received a response from the Department of Justice so my thought was to go ahead and do these which if we've never done it we finally get into compliance but if we do them now and re-accept them it doesn't do anything but to show our commitment to complying with these Federal Laws.

Don Williams: Yeah, I would agree.

Todd Glass: I would concur also, Mr. President, go ahead and get these in compliance and officially passed by the Board.

Roger Emmons: And in addition to the four (4) forms that I just stated I would recommend that you approve me to prepare a Warrick County Complaint Log and a Complaint Procedure Form or Policy. And if the Board choses you need to name a Title VI Coordinator, which I would be doing it anyway but...

Don Williams: Don't worry, you won't have to beg on that one. We'll get that taken care of. Anything else?

Roger Emmons: That's it on that particular number.

Don Williams: Okay, so I need a motion to have Roger fill out the Standard U.S. DOT Title VI Assurances, Nondiscrimination Statement of Policy, the Responsibilities with the Title VI Coordinator, Voluntary Survey Form and also to come up with a Compliance and Complaint Log and also we'll appoint him as our point man on those issues.

Rick Reid: So moved.

Marlin Weisheit: And I'll second that.

Don Williams: Okay, and your motion is for Title VI?

Rick Reid: Yes.

Don Williams: I have a motion and second. All in favor say aye.

Rick Reid: Aye.

Don Williams: Aye.

Don Williams: Motion carries.

Roger Emmons: Thank you.

**County Dental Plan ~ Network Option Selection**

Roger Emmons: The next item is the County Dental Plan. Health Resources, Inc., which was first formed in the City of Evansville and it has now spread, it's in a large area right now. Most of the dentists in this area are in this network. Dave Waltz along with HRI suggested you approve the "In Network Plan Only" and the reason for that is number one as I state, most of the dentists are in that network already. By doing that you would prevent the employees that are taking this plan to be balance billed by the provider. Most dentists would take the In Network rate. It also helps to control cost. So, I would recommend that you make the motion to approve In Network Plan only.

Don Williams: Okay, are there any discussions with the Board or any questions?

Rick Reid: Sounds wise.

Don Williams: Okay, I entertain a motion.

Rick Reid: I'll make the motion to approve the In Network Plan only for approval.

Marlin Weisheit: For dental?

Rick Reid: Yes, for dental.

Marlin Weisheit: Second.

Don Williams: Motion and a second. All in favor say aye.

Marlin Weisheit: Aye.

Rick Reid: Aye.

Don Williams: Motion carries. Thank you.

**Oak Grove road Phase II ~ Discuss Waiver of Partial Mortgage**

Roger Emmons: Next item is Oak Grove Phase II Project, Discuss Waiver of Partial Mortgage Release. There's been some emails going back and forth on this. The first one started on September 23<sup>rd</sup> and I know Todd has stated he will comment today on the pros and cons of these as to whether or not to go with waiving this, going with the letter of credit only so...

Todd Glass: If I remember right this is the one where there's a line of credit mortgage I believe on the...and I would recommend that the Board not skip over the formality of getting the mortgage released from that strip of land that we're taking. Granted there's no great balance on the line of credit but it's a seventy thousand dollar (\$70,000.00) line of credit. So, I don't particularly know why we'd want to skip getting the release from the mortgage from the bank.

Don Williams: Is there some reason the bank doesn't want to do it that they're asking for this waiver? I mean, I read those emails and that's always been a confusing point.

Roger Emmons: This is from the buyer who is Ms. Sullivan and Rick Bennett, the Land Acquisition BLA manager of right-of-way services. The letter of credit is sixty eight thousand (\$68,000.00) it has a balance of a little over forty seven hundred dollars (\$4,700.00). They're stating that in order to avoid unnecessary delays in the project they recommend that a policy of requiring a partial mortgage release, which we normally do, prior to securing a parcel, be waived in this instance. We're going to be paying the property owner twelve thousand two hundred dollars (\$12,200.00). Three thousand (\$3,000.00) of that is for land and improvements, nine thousand (\$9,000.00) is for severance damages and two hundred dollars (\$200.00) for a temporary easement, but if the Board approves a motion to require the partial mortgage release then that's what will be done.

Rick Reid: Can a mortgage company call your loan if you've sold off part of that property?

Todd Glass: I don't know if they would necessarily from that, most mortgages have that language in it that they would allow their property be condemned that that would trigger the default mechanisms of a mortgage, chances are they wouldn't do that but I would say a more reasonable concern is if a property owner defaulted some other way and the bank has a seventy thousand dollar (\$70,000.00) lien on their property they would want to get it from whomever they could get it.

Rick Reid: The deepest pockets.

Don Williams: How much property are we talking? I don't recall. It's not much.

Roger Emmons: No, it's not much...

Rick Reid: Well, right now the balance is only forty six hundred dollars (\$4,600.00).

Todd Glass: Wasn't it point two (.2) or point three (.3) acre by the time it was all added up? It's just the strip in the front.

Roger Emmons: I didn't bring my file on it, I just have the forms here...

Rick Reid: Being a home equity line of credit, I think you can probably get that approved through the bank that they could allow that to happen.

Todd Glass: I would say it would be rather ministerial that it would be easily obtained.

Roger Emmons: Oh, I agree, and they are. It'll just cost the county anywhere from three hundred (\$300.00) to four hundred dollars (\$400.00), but we've done this before, and you've also waived them, it just depends on parcel by parcel if you think they're a good risk or not.

Marlin Weisheit: It really shouldn't affect the right-of-way either way? It shouldn't but...

Roger Emmons: I don't think it will, I mean...to be on the safe side you get the PMR, am I correct?

Todd Glass: I'm sorry?

Roger Emmons: To be on the safe side you just go ahead and get the partial mortgage release?

Todd Glass: To be on the safe side you get it released, yes.

Don Williams: Any other questions? I'll entertain a motion, Gentlemen.

Rick Reid: I think we need a partial mortgage release personally.

Marlin Weisheit: Are you going to make a motion?

Rick Reid: Yeah, that's my motion.

Marlin Weisheit: I'll second it.

Don Williams: Okay, I have a motion by Commissioner Reid and a second by Commissioner Weisheit. All in favor say aye.

Rick Reid: Aye.

Marlin Weisheit: Aye.

Don Williams: Aye. Motion carries three (3), zero (0).

Roger Emmons: Thank you.

#### **Proposed HVAC Service Agreement with Harshaw Trane for Warrick County Jail**

Roger Emmons: The next item is a proposed HVAC Service Agreement with Harshaw Trane for the Warrick County Jail. Our Account Manager with Harshaw Trane, Kerry Wilkinson, is in the audience. We did have a few emails on this subject and the first one that I sent you a copy was back on September the 17<sup>th</sup>. This proposed service agreement is similar to the one we have for HVAC system in the Judicial Center, except it's not as costly because there's just not as many units involved. This would cover the rooftop units primarily out there. I think they were two (2) years old in July this year.

Don Williams: Yeah, that's right.

Roger Emmons: Are the warranties off those then? Okay. The cost for a three (3) year period which would be October the 1<sup>st</sup> of this year to September the 30<sup>th</sup>, 2015, October 1, 2015 to September 30<sup>th</sup>, 2016 and then October 1<sup>st</sup> in 2016 to September in 2017. The first year eight thousand five hundred forty three dollars (\$8,543.00), the second year eight thousand seven hundred ninety nine dollars (\$8,799.00), third year nine thousand sixty three dollars (\$9,063.00). If the Board approves this these will be paid from Cum Cap, which is where we pay the Judicial Center HVAC Agreement.

Don Williams: Right, and that's about a three percent (3%) hike a year, right at. What's the will of the Board?

Roger Emmons: I will say that the initial amount for the first year was ten thousand (\$10,000.00), Kerry worked with us and got that first year down to eighty five hundred dollars (\$8,500.00).

Don Williams: And I appreciate you doing that for me.

Marlin Weisheit: Quick question, Sheriff, I mean, you're okay with us doing this wouldn't you think, Sheriff? I think it would be beneficial, would you agree?

Sheriff Kruse: I do, yes.

Marlin Weisheit: I'd make a motion to approve the service agreement with HVAC...

Rick Reid: Second.

Don Williams: Motion and a second. All in favor say aye.

Rick Reid: Aye.

Marlin Weisheit: Aye.

Don Williams: Aye. Motion carries three (3), zero (0).

Roger Emmons: Thank you.

#### **Oak Grove Road Phase II**

Don Williams: A couple more items here...some of these we need to take I think.

Roger Emmons: Yeah, the other items for information, discussion and action are all relative to Oak Grove Phase II Right-of-Way. I've got five (5) numbered items on that. Can we just go through them?

Don Williams: Yeah, I'd like for you to take number one (1) to start with.

**Parcel 12, Mooney – Recommendation for Administrative Settlement**

Roger Emmons: Okay, the first one is parcel twelve (12), Mooney BLA, Rick Bennitt, and the buyer recommended an Administrative Settlement in the amount for an increase of three thousand four hundred dollars (\$3,400.00). He has stated he'd rather settle it now versus going to condemnation and I agree with that.

Don Williams: Any questions from the Board on that?

Rick Reid: No, that's wise.

Don Williams: We all know that would be the least expensive way...

Rick Reid: Do you need a motion on that?

Don Williams: Yeah, I would like a motion on that.

Rick Reid: Motion to approve.

Don Williams: I have a motion to approve the Administrative Settlement for Parcel 12. Do I have a second?

Marlin Weisheit: Second.

Don Williams: I have a second. All in favor say aye.

Rick Reid: Aye.

Marlin Weisheit: Aye.

Don Williams: Aye. Motion carries three (3), zero (0).

**Parcel 32, George – Grant of Second Drive to Owner**

Roger Emmons: Parcel 32, George, Rick is wanting to know if the Board would be willing to approve a second drive to the owner before they meet with the owner to negotiate again. He seems to indicate that he really believes by doing this we're setting a bad precedent but he's saying it'll be cheaper to construct the drive approach as a part of the project than to condemn it. So Rick feels that...and he states that the owner doesn't have a permit for the second drive.

Don Williams: It's just a pie in the sky thing then?

Roger Emmons: Yeah, he's just wanting the free drive approach. Rick stated...

Don Williams: Is there any indication of how far apart he wants that? Is he wanting to put a loop in and back out of his property? Does anybody know?

Bobby Howard: I have not seen...

Roger Emmons: Bobby was copied on that, I don't think he told us that.

Marlin Weisheit: Rick Bennitt believes this would be a little cheaper wouldn't it to do it this way? To settle it?

Bobby Howard: I mean, it could be approved this way subject that that location would meet our driveway permit standards.

Rick Reid: That would be good.

Marlin Weisheit: That would be good, Bobby. I'd make that motion as Bobby stated.

Don Williams: Okay, I have a...

Marlin Weisheit: That'll help speed things up and keep the project going.

Don Williams: I have a motion then to on parcel thirty two (32) to grant the second drive as long as the drive is put in in compliance with county requirements.

Rick Reid: Second.

Don Williams: I have a motion and a second. All in favor say aye.

Marlin Weisheit: Aye.

Rick Reid: Aye.

Don Williams: Motion carries.

**Parcel 15, Suggs Relocation – Recommendation for Advance Rental Assistance Payment**

Roger Emmons: The next parcel is parcel 15, this is the only relocation parcel in this phase. There's a recommendation for advance rental assistant payment. The relocation agent is Joe Gromosky, he believes that would

be approximately twenty four hundred dollars (\$2,400.00). If you approve the recommendation I will hold the check until the tenants currently in the home have located a suitable replacement. That was per their directions. It's not going to be any more because we're going to have to pay this anyway, it's just an advance payment.

Don Williams: Yeah.

Marlin Weisheit: Right.

Don Williams: And this piece of property has been settled, we just need to do what we need to do.

Roger Emmons: Yeah, we paid already.

Marlin Weisheit: We're obligated already. I'll make a motion to approve that.

Rick Reid: Second.

Don Williams: Motion and a second. All in favor say aye.

Marlin Weisheit: Aye.

Rick Reid: Aye.

Don Williams: Okay, Gentlemen, motion approved.

Roger Emmons: Thank you.

**Parcels 21, 25, 26 and 35 – 10-day letters  
Parcels 17 and 32 – 10-day letters**

Don Williams: Alright, we have four (4) or five (5) about sending out some 10-day courtesy letters.

Roger Emmons: Yeah, these 10-day letters, it basically lets the property owner know that the fair market value offer for their property will remain open for ten days from the date they received the letter. After that, and if no agreement has been reached then the county attorney will file eminent domain proceedings for condemnation. But the property owners are also informed that this won't prevent them from reaching a courts agreement before it proceeds through the court. Those are parcels 21, 25, 26 and 35. Rick Bennitt has stated that he would like the board's permission to send those. And then for 17 and 32, we just talked about 32, to also approve the 10-day letters on those parcels if the negotiations with the owners fall apart. And for 32 it would be to fall apart again because they've already had one meeting.

Don Williams: Yeah, on 32 I would say that we sit on them. I think we can approve sending off 6 of those letters, of course once the owners are notified we agree to the second drive, perhaps that will end it, in that case there wouldn't need to be one sent so...but there's nothing wrong with approving all six (6) of those be sent. Would you all like to send those six (6), 10-day letters?

Marlin Weisheit: I'd make a motion to approve that.

Rick Reid: Second.

Don Williams: Motion and a second. All in favor say aye.

Marlin Weisheit: Aye.

Rick Reid: Aye.

Don Williams: Motion carries three (3), zero (0).

Roger Emmons: Thank you, Gentlemen.

Marlin Weisheit: Thank you, Roger, you've been busy.

Don Williams: Good job.

**COUNTY AUDITOR**

Don Williams: County Auditor, do you have anything for us today?

Angie Leslie: No.

Don Williams: No bills to pay, we like those days.

**COUNTY PURCHASING**

Don Williams: County Purchasing, I understand he's in Colorado so he's on vacation.

**COUNTY ATTORNEY**

**Contract Between Sheriff/Jail and St. Mary's Regarding Emergency Medical Services Agreement**

**Approve Amendments to the Agreement**

Don Williams: County Attorney, you have the floor, Sir.

Todd Glass: Yes, Mr. President, we have the renewal of the St. Mary's Warrick Emergency Medical Services Contract with the Sheriff's Department and the only thing that we did is we added several provisions in the contract that are required by law similar to like what we just did with this Title VI, it's requiring certain language be in all of our contracts but the other thing that the Sheriff and I looked at was that it allowed St. Mary's to terminate the contract with thirty (30) days' notice and we didn't think that would really would give the Sheriff enough time to react if something like that were to ever happen. So we're proposing an addendum to the contract for ninety (90) day termination and ninety (90) day renewal and beefing up the indemnification and hold harmless language a little bit. And I've run this by the Sheriff and I think he's in concurrence with it, just want the Commissioners approval to recommend this contract addendum to St. Mary's EMS, Inc.

Don Williams: So we're not approving the contract, we're just approving what your proposed addendums are?

Todd Glass: Correct, because we have to actually send them to St. Mary's still I think.

Don Williams: To get them to sign off also.

Todd Glass: Um-hm.

Don Williams: Okay, you need a vote on that or you just need a consensus?

Todd Glass: The consensus will...well, go ahead and vote on it and that way if we get St. Mary's approval then we're already set to sign it.

Marlin Weisheit: I'll make a motion to approve the contract for the jail.

Rick Reid: Second.

Don Williams: Motion and a second on the floor. All in favor say aye.

Rick Reid: Aye.

Marlin Weisheit: Aye.

Don Williams: Motion carries.

Todd Glass: Thank you Mr. President, that'll keep it moving forward that way.

**St. Mary's Request to Assign the Agreement to St. Mary's Health, Inc.**

Don Williams: Okay, what about the assignment agreement.

Todd Glass: That's already been done, that was an administrative matter similar to what you've done for other contracts.

**Resolution to Increase Speed Limit on Sections of Newly Constructed Oak Grove Road Phase I Project**

Todd Glass: And at the Commissioners request we have a Resolution number 2014-...

Roger Emmons: I'm showing 2014-08.

Todd Glass: And we've prepared this as necessary to recommend the increase of the maximum speed limit to 50 miles-per-hour for Oak Grove Road but that is limited to the area between the intersection of Oak Grove and Libbert and Epworth Roads only.

Don Williams: Actually they need to be slowing down probably a ways before it actually gets to Libbert but I'm sure that will be posted accordingly.

Rick Reid: There's a stop sign there anyway.

Don Williams: At the intersection, yeah. I've driven that; it's a nice road.

Rick Reid: Yeah it is.

Don Williams: It's nice high and dry.

Todd Glass: But this is...you have received and Bobby has received the requisite recommendations from the engineers that that is appropriate.

**WARRICK COUNTY BOARD OF COMMISSIONERS  
RESOLUTION NO. 2014-08**

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF  
WARRICK COUNTY, INDIANA RAISING THE MAXIMUM SPEED LIMIT ON  
OAK GROVE ROAD IN WARRICK COUNTY**

**WHEREAS**, the Board of Commissioners of Warrick County has the authority to declare a reasonable and safe maximum speed limit on public highways within its jurisdiction pursuant to I.C. § 9-21-5-6; and

**WHEREAS**, Section 70.01 of the Code of Ordinance of Warrick County provides that the Board of Commissioners may by resolution post maximum speed limits on county highways; and

**WHEREAS**, to be in compliance with all INDOT highway regulations, Phase I of the Oak Grove Road Project was engineered by Lochmueller Group for a maximum speed limit of 50 miles per hour; and

**WHEREAS**, requests have been received by the Warrick County Engineer by multiple residents of Warrick County requesting that the Board of Commissioners consider raising the maximum speed limit on Oak Grove Road; and

**WHEREAS**, the citizens of Warrick County depend on the daily use of Oak Grove Road for the efficient travel to and from Evansville for their personal and professional needs and services, including mail delivery, school bus services, home-to-work travel, and home-to-market travel; and

**WHEREAS**, the Board of Commissioners of Warrick County desires to reduce the inconvenience to the traveling public; and

**WHEREAS**, the Board of Commissioners of Warrick County has decided it is in the best interests of the citizens of Warrick County to increase the speed limit on Oak Grove Road.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Warrick County, Indiana as follows:

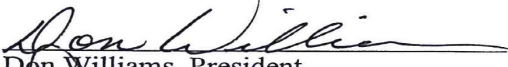
The maximum speed limit is raised to fifty (50) miles per hour on said Oak Grove Road from the intersection of Libbert Road westerly to the intersection of Epworth Road.

BE IT FURTHER RESOLVED that the Warrick County Highway Department shall post the respective speed limit as set out above with the appropriate signs, and that the penalty provisions of Section 70.99 of Warrick County Code of Ordinances shall apply to this resolution.

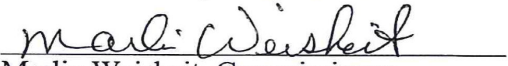
Resolution No. 2014-08

Passed and adopted by the Warrick County Board of Commissioners this 13<sup>th</sup> of October, 2014.

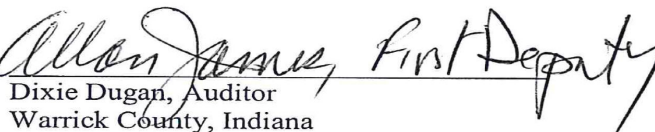
WARRICK COUNTY  
BOARD OF COMMISSIONERS

  
Don Williams, President

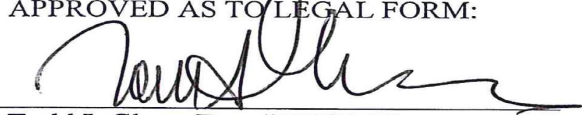
  
Richard A. Reid, Vice President

  
Marlin Weisheit, Commissioner

ATTEST:

  
Dixie Dugan, Auditor  
Warrick County, Indiana

APPROVED AS TO LEGAL FORM:

  
Todd I. Glass, Esq. #13982-18  
FINE & HATFIELD, A Professional Corporation  
520 N.W. Second Street, P.O. Box 779  
Evansville, Indiana 47705-0779  
Telephone: (812) 425-3592  
Warrick County Attorney

Rick Reid: So moved.

Marlin Weisheit: Second.

Don Williams: Motion and a second to approve 2014-08. All in favor of passing that Resolution say aye.

Marlin Weisheit: Aye.

Rick Reid: Aye.

Don Williams: Aye. Motion carries three (3), zero (0).

#### **COUNTY ENGINEER**

Don Williams: County Engineer, do you have anything, Sir?

Bobby Howard: I have nothing for Engineering.

#### **COUNTY HIGHWAY**

Don Williams: You have something for Highway?

Bobby Howard: Under Highway I have the annual operations report for local road and streets...

Don Williams: That's the one we just plug the numbers in every year right?

Bobby Howard: Yes, to submit to you for approval so that I can get it up to the state.

Don Williams: When's it due?

Bobby Howard: A month or two ago.

Don Williams: I was thinking that was overdue...

Marlin Weisheit: Right on time.

Don Williams: We probably ought to approve that one. Do I have a motion?

Marlin Weisheit: I'll make a motion to approve.

Rick Reid: I'll second that quickly.

Don Williams: Motion and second. All in favor say aye so you can mail it out tomorrow.

Rick Reid: Aye.

Marlin Weisheit: Aye.

Don Williams: Aye. Motion carries. Did you say aye, Rick?

Rick Reid: Yes.

Don Williams: Motion carries three (3), zero (0).

Bobby Howard: That will work.

Don Williams: Anything else, Sir?

Bobby Howard: No, that's all I had, thank you.

#### **COUNTY SHERIFF**

Don Williams: Sheriff, do you have anything for us?

Sheriff Kruse: I don't.

#### **COMMISSIONERS ITEMS FOR DISCUSSION**

Commissioner Williams: Commissioner Reid, do you have anything?

Commissioner Reid: Bobby, are you going to get a speed limit change on that Kingswood too? Over there for that...around Dr. Fry's house, a twenty (20) mile an hour?

Bobby Howard: For that section? It's Treemont, right?

Commissioner Reid: Treemont, yeah.

Bobby Howard: I got to get him that information but yes we can have that...probably put it at twenty (20) miles an hour for residential subdivision.

Commissioner Reid: Okay.

Bobby Howard: But this was just an email...

Commissioner Reid: Yeah, oh, this was important there, okay, sounds good.

Commissioner Williams: Yeah, cause they're going to get fifteen (15) anyway, I came down there the other day.  
Commissioner Weisheit, do you have anything, Sir?

Commissioner Weisheit: No, Sir.

Commissioner Williams: Before we adjourn I have one issue, just as a reminder, anything having to do with buildings and structures whether it be ceiling, walls, floors, doors, locks, that must be approved by the entire Board of Commissioners. It is my understanding that we have an office holder who very possibly has put new locks on their door which is an illegal act without our approval, so I would like to make a motion that that claim, if it does in fact come before us that it not be paid until everything...or made legal.

Marlin Weisheit: I'd second that motion.

Don Williams: Did I make a motion?

Marlin Weisheit: Yeah you did.

Don Williams: Okay, with that being said all in favor say aye.

Marlin Weisheit: Aye.

Commissioner Williams: Aye. Motion carries three (3), zero (0). And that's all I have. I entertain one last motion.

Commissioner Reid: Motion to adjourn.

Commissioner Weisheit: I'll second that one.

Commissioner Williams: We are adjourned, thank you, Gentlemen.

Roger Emmons: Was that motion unanimous?

Commissioner Reid: Yes.

Commissioner Williams: It was.

\_\_\_\_\_  
DON WILLIAMS, PRESIDENT

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RICHARD A. REID, VICE PRESIDENT

\_\_\_\_\_  
MARLIN WEISHEIT, MEMBER

ATTEST:

\_\_\_\_\_  
L.B. DUGAN, AUDITOR  
WARRICK COUNTY, INDIANA